

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. 22-cv-24023-SCOLA/GOODMAN**

KENNETH C. GRIFFIN,

Plaintiff,

v.

INTERNAL REVENUE SERVICE and U.S.  
DEPARTMENT OF THE TREASURY,

Defendants.

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**POST-DISCOVERY HEARING ADMINISTRATIVE ORDER**

On December 30, 2023, the Undersigned held a Zoom videoconference hearing on the parties' discovery disputes. [ECF Nos. 62; 69; 80–82]. At the hearing, the Undersigned **ordered** as follows:

If Plaintiff is expecting Defendants to search the DOJ file(s), then Plaintiff will propound a new discovery request. Defendants will have fourteen (14) days from receipt of that request to respond.

Each side will file on CM/ECF a memorandum of law, not to exceed seven (7), double-spaced pages (excluding the signature block and the certificate of service) discussing whether there are any provisions in 26 U.S.C. § 6103 which would permit the disclosure of materials responsive to a discovery request. If the Government intends to

assert the catch-all provision in subsection (h)(4),<sup>1</sup> then the parties' memoranda will address that provision. Plaintiff will file his memorandum by no later than **Monday, January 8, 2024**. Defendants will file their memorandum by **Friday, January 12, 2024**. No reply will be permitted absent a separate and specific Order.

By **Tuesday, January 30, 2024**, Defendants will respond to all other outstanding discovery requests. To the extent Defendants are asserting a privilege or other exception for any responsive document, they will need to provide a privilege log consistent with Local Rule 26.1 by no later than **Friday, February 9, 2024**. The privilege log will include those responsive materials which Defendants state they cannot disclose pursuant to 26 U.S.C. § 6103.

By **Monday, January 8, 2024**, Defendants will advise Plaintiff in writing which IRS database(s) Mr. Littlejohn had access to and when.

By **Tuesday, January 2, 2024**, Defendants will provide to Plaintiff responsive comments to the proposed protective order. Plaintiff will provide any counter-proposal(s) by **Thursday, January 4, 2024**. By **Friday, January 5, 2024**, the parties will file

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<sup>1</sup> The catch-all provision states:

However, such return or return information shall not be disclosed as provided in subparagraph (A), (B), or (C) if the Secretary determines that such disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation.

26 U.S.C. § 6103(h)(4).

on CM/ECF a joint motion for the entry of the agreed protective order. By the same deadline, the parties will also submit a copy of the proposed agreed protective order in Microsoft Word format to the Undersigned's CM/ECF e-file inbox ([goodman@flsd.uscourts.gov](mailto:goodman@flsd.uscourts.gov)).

By **Monday, January 8, 2024**, Defendants will provide answers to Interrogatory Nos. 11 and 21 of Plaintiff's Second Set of Interrogatories.

By **Monday, January 15, 2024**, Defendants will provide answers to all other interrogatories in both the First Set of Interrogatories and the Second Set of Interrogatories, unless there are objections which Defendants are standing on without providing substantive information. If Defendants are going to be objecting to providing a substantive answer to any of the remaining interrogatories, then Plaintiff may set a Zoom discovery hearing on Defendants' objections in accordance with the Discovery Procedures Order [ECF No. 16].

Defendants will provide to Plaintiff a "hit log" by **Wednesday, January 3, 2024**. The Government will also provide the names of the record custodians and state who each custodian is in a one-sentence explanation. By **Friday, January 5, 2024**, Plaintiff will provide to Defendants a list of categories Plaintiff would like Defendants to prioritize.

Defendants will supplement their answer to Interrogatory No. 10 in Plaintiff's First Set of Interrogatories by **Monday, January 8, 2024**. Defendants' supplemental answer will separate out what Defendants knew before the criminal charges were announced and

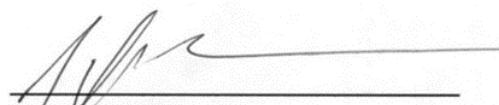
what Defendants learned after the criminal charges were announced.

By **Monday, January 8, 2024**, Defendants will supplement their answer to Interrogatory No. 6 in Plaintiff's First Set of Interrogatories.

By **Tuesday, January 30, 2024**, Defendants will supplement their response to Request for Admission No. 42 in Plaintiff's First Set of Requests for Admission. If the answer is substantively denied, then Defendants will state so. Defendants are permitted to interpose their relevancy objection but must answer the admission.

Defendants are not required to provide a supplemental response to Request for Admission No. 45 in Plaintiff's First Set of Requests for Admission.

**DONE AND ORDERED** in Chambers, in Miami, Florida, on December 30, 2023.



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Jonathan Goodman  
UNITED STATES MAGISTRATE JUDGE

**Copies furnished to:**

The Honorable Robert N. Scola, Jr.  
All Counsel of Record